

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| UNITED STATES OF AMERICA | : | CRIMINAL NO. : _____ |
| | : | |
| v. | : | DATE FILED: _____ |
| | : | |
| DAVID FRASCELLA | : | VIOLATION: |
| | : | 21 U.S.C. § 846 (conspiracy to |
| | : | possess with intent to distribute 100 |
| | : | kilograms or more of marijuana - 1 count) |
| | : | 21 U.S.C. § 841(a)(1) (possession with |
| | : | intent to distribute 100 kilograms or more |
| | : | of marijuana - 1 count) |
| | : | 18 U.S.C. § 2 (aiding and abetting) |

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. Between on or about October 8, 2004 and on or about November 9, 2004, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

DAVID FRASCELLA

conspired and agreed, with others known and unknown to the grand jury, including Walter Sellars, a/k/a "Larry," charged elsewhere, to knowingly and intentionally possess with intent to distribute 100 kilograms or more, that is, approximately 551.4 pounds, of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

MANNER AND MEANS

It was a part of the conspiracy that:

2. The defendant stored and possessed approximately 551 pounds of marijuana, which he intended to deliver and sell to others in the Philadelphia, Pennsylvania area.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were committed in Philadelphia in the Eastern District of Pennsylvania and elsewhere:

1. In or about October, 2004, defendant **DAVID FRASCELLA** and coconspirator Walter L. Sellars, a/k/a "Larry," discussed the sale of the marijuana that was in the garage located at 1019 Red Lion Road.

2. On or about October 8, 2004, defendant **DAVID FRASCELLA** and coconspirator Walter L. Sellars, a/k/a "Larry," loaded marijuana from a truck into a garage located at 1019 Red Lion Road.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

Between on or about October 8, 2004 and on or about November 9, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

DAVID FRASCELLA

knowingly and intentionally possessed with intent to distribute and aided and abetted the possession with intent to distribute 100 kilograms or more, that is, approximately 551.4 pounds, of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney